

## **REMARKS/ARGUMENT**

### **A. Status of the Claims**

Claims 28-57 and 59-68 were pending in the case. Claims 28-57 have been canceled without prejudice or disclaimer. Applicant reserves the right to pursue the subject matter of these claims in this or a related application.

Claims 59-68 are presently in the case and were indicated as allowed by the Examiner.

### **B. Rejections to Claims 28-57 Are No Longer Applicable**

#### **1. Claims 28-57 Have Been Cancelled and Therefore Rejections Under 35 U.S.C. §112, ¶1 Are No Longer Applicable**

Claims 28-57 were rejected under 35 U.S.C. §112, ¶1 as failing to enable nitrogen-containing interferants other than nitrogen dioxide. And, Claims 38-41 were rejected under 35 U.S.C. §112, ¶1 for failing to enable the removal of nitrogen compounds other than NO or the use of a catalyst other than molybdenum.

Applicant has cancelled claims 28-57 thereby rendering any outstanding rejections to those claims moot. Applicant has cancelled claims 28-57 solely for the purpose of placing this case in a condition for allowance and such cancellation should not be interpreted as an acquiescence to the arguments presented by the Examiner.

#### **2. Claims 28-57 Have Been Cancelled and Therefore Rejections Under 35 U.S.C. §103 Are No Longer Applicable**

Claims 28-37 and 40-57 were rejected under 35 U.S.C. §103(a) as being obvious over Dugan and in view of Chand.

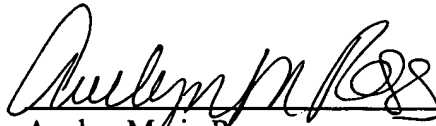
Applicant believes that the rejected claims are not obvious over the combination of Dugan and Chand, for at least the reasons stated within Applicants response of February 17, 2004. Applicant, however, has cancelled claims 28-57 thereby rendering any outstanding rejections to those claims moot. Applicant has cancelled claims 28-57 solely for the purpose of

placing this case in a condition for allowance and such cancellation should not be interpreted as an acquiescence to the arguments presented by the Examiner.

### SUMMARY

In light of the foregoing remarks and response, it is Applicant's belief that the claims are in condition for allowance. Such favorable action is respectfully requested. If the Examiner has any questions or comments regarding any issue associated with this application, a telephone call to the undersigned representative at 512-542-8411 is welcome. Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Avelyn Marie Ross', is written over a horizontal line.

Avelyn Marie Ross  
Attorney for Applicant  
Reg. No. 51,174

Date: August 2, 2004  
VINSON & ELKINS L.L.P.  
2300 First City Tower  
10001 Fannin Street  
Houston, TX 77002-6760  
Phone: (512) 542-8409